

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47274 of 2018

Arising Out of PS. Case No.-3 Year-2017 Thana- MAHILA THANA District- Begusarai

Randhir Kumar Son of Jitendra Kumar @ Jitan Kunwar, resident of Village-
Itwa, Police Station - Begusarai Muffasil Singhaul, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mitthi Kumari, Wife of Raushan Kumar and Daughter of Umesh Prasad Singh, resident of Village - Mangarau Dih, Police Station - Muffasil, District - Giridih (Jharkhand).

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48059 of 2018

Arising Out of PS. Case No.-3 Year-2017 Thana- MAHILA THANA District- Begusarai

1. Raja Ram Singh Son of Ram Sagar Singh,
2. Madhu Devi @ Madhu Kumari, wife of Raja Ram Singh,
3. Awnish Kumar, Son of Raja Ram Singh, All Residents of Mohalla - Kutumb Nagar, P.S. Singhaul O.P., District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mitthi Kumari, wife of Raushan Kumar and Daughter of Umesh Prasad Singh, resident of Village - Mangarau Dih, Police Station - Muffasil, District - Giridig (Jharkhand).

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47274 of 2018)

For the Petitioner/s	:	Mr. Pushkar Narain Shahi, Sr. Advocate Mr. Mritunjay Kumar, Advocate Mr. Jai Shanker Prasad, Advocate
For the State	:	Ms. Gulnar Begam, A.P.P.
For the Informant	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishanvi Singh, Advocate Mr. Shashank Shekhar, Advocate

(In CRIMINAL MISCELLANEOUS No. 48059 of 2018)

For the Petitioner/s	:	Mr. Pushkar Narain Shahi, Sr. Advocate Mr. Jai Shanker Prasad, Advocate
For the State	:	Mr. Atul Chandra, A.P.P.
For the Informant	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishanvi Singh, Advocate Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA



ORAL ORDER

6 08-09-2023

In Cr. Misc. No. 47274 of 2018

Heard learned Senior Counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

Learned counsel for the informant, at the outset, submits that the issue in between the husband and the wife has been compromised and the informant does not have any objection if the order dated 02.07.2018 passed by Sri Piyush Kamal Dixit, the learned Additional Sessions Judge-I, Begusarai in Cr. Revision No. 117 of 2018, whereby he was pleased to affirm the order dated 17.03.2018 passed by the learned Sub-Divisional Judicial Magistrate, Begusarai in G.R. No. 443 of 2017 arising out of Begusarai Mahila P.S. Case No. 03 of 2017 whereby and whereunder the learned trial court had rejected the petition dated 08.02.2018 under Section 239 of the Cr.P.C. to discharge him was affirmed, is set aside.

Since the dispute is matrimonial and the parties have compromised and the informant does not have any objection if this application is allowed, as such, the order dated 02.07.2018, passed by Sri Piyush Kamal Dixit, the learned Additional Sessions Judge-I, Begusarai in Cr. Revision No. 117 of 2018 whereby order dated 17.03.2018 passed by the learned Sub-



Divisional Judicial Magistrate, Begusarai in G.R. No. 443 of 2017 arising out of Begusarai Mahila P.S. Case No. 03 of 2017 whereby discharge application was rejected was affirmed, is hereby set aside.

Accordingly, this application is allowed.

Learned Senior Counsel for the petitioner, at this stage, submits that two bank drafts bearing no. 639834, dated 25.08.2023 for Rs.3 lakhs drawn on S.B.I. and bank draft no. 502705, dated 25.08.2023 for Rs.2 lakhs drawn on ICICI Bank have been handed over to the informant/opposite party no. 2 which she has accepted.

In Cr. Misc. No. 48059 of 2018

Heard learned Senior Counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

Learned counsel for the informant, at the outset, submits that he has instruction to make submission that the matter in between the husband and the informant i.e. opposite party no. 2 herein has been compromised, as such, the informant does not intend to pursue with the case. It is further submitted that the informant does not have any objection if the order dated 31.10.2017, passed by the learned Sub-Divisional Judicial



Magistrate, Begusarai in G.R. No. 443 of 2017 arising out of Begusarai Mahila P.S. Case No. 03 of 2017 whereby cognizance has been taken under Sections 498(A), 323 and 341 of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act, is quashed.

Since the dispute is purely matrimonial and the parties have compromised as submitted by the learned counsel for the informant and that the informant does not have any objection if the order dated 31.10.2017 passed by the learned Sub-Divisional Judicial Magistrate, Begusarai in G.R. No. 443 of 2017 arising out of Begusarai Mahila P.S. Case No. 03 of 2017 whereby cognizance has been taken as recorded hereinabove is set aside, the order dated 31.10.2017 passed by the learned Sub-Divisional Judicial Magistrate, Begusarai in G.R. No. 443 of 2017 arising out of Begusarai Mahila P.S. Case No. 03 of 2017 whereby cognizance has been taken under Sections 498(A), 323 and 341 of the Indian Penal Code as well as Section 4 of the Dowry Prohibition Act is hereby quashed.

Accordingly, this application is allowed.

Learned Senior Counsel for the petitioners, at this stage, submits that a joint compromise petition has been filed with intervention of the well-wishers on behalf of the father-in-



law of the informant/opposite party no. 2 wherein it has been recorded that all cases pending before the different courts shall be withdrawn and the husband and the wife will file an application seeking divorce by way of mutual consent.

The Court expects that both the parties will act in accordance with the joint compromise petition which is on record in the present case.

(Satyavrat Verma, J)

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